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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,368	07/03/2001	Richard C. Notargiacomo	82503F-P	1084

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EXAMINER

LU, KUEN S

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 01/02/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/898,368

Applicant(s)

NOTARGIACOMO ET AL.

Examiner

Kuen S Lu

Art Unit

2177

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 11 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 11 has a phrase "such as..." which fails to limit the subject matter of Claim 1.
2. Claims 11 and 20-26 are objected to because of the following informalities:
The independent Claim 20 is a duplicate of the independent Claim 1. Claims 21-26 are dependent on Claim 20. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5, 7, 10-20, 26-30 and 32-33 are rejected under 35 U.S.C. 102(e) as anticipated by Huff (U.S. Pub. 2002/0032687).

As per claims 1, 20 and 33, Huff teaches the following:

"gathering information relevant to the creation of a family tree, organizing the information, and displaying it in the form of a family tree" at Abstract, lines 8-11 by showing the lineage-linked genealogical data storage and retrieval method and system, comprising the steps of:

"searching multiple databases through a network and scanning the database for relevant information" at Page 7, [0104] by showing searchers searching through a central database for data that relate to their family through the internet (Page 2, [0036]); "reviewing said information according to a set of algorithms for relationships to other individuals entered into the local database and assessing the probability that the newly identified individual is related to the original individual" at Page 2, [0036], Page 5, [0091] and Page 6, [0098] by configuring the system for internet transactions to allow users update and review the genealogical data, suggesting separate computers for sharing the functions of the central site, and showing records comprising a person-identifying number which shows his or her relationship to another person and the number of that person;

"providing said information, along with the probability assessment to the user for acceptance or rejection" at Page 8, [0130] and Page 9, [0130] by analyzing incoming data to determine the number of separate trees or linked sets of names that are contained in the data collection and provide a way to separate out those linked segment for treatment; and

“updating the database upon acceptance of the user” at Page 3, [0042] by a program to automatically convert a user’s lineage-linked data into a format suitable for automatic update of the database over the internet.

As per Claim 2, Huff teaches “network is the internet” at Page 2, [0036] by showing users are connected through internet.

As per Claim 3, Huff teaches “said algorithms are contained in software that is loaded onto a personal computer” at Fig. 1, elements 12-18 and 22-26, and Page 1, [0004] by showing genealogical data records in personal computer undergoing various processes and being included a much larger name collection to be sent to the central server database.

As per Claim 5, Huff teaches “algorithms are contained in software that is contained on a third party server and is accessed by the user via a connection to a network” at Page 5, [0091] by showing three kinds of program functions performing on the Data Conversion and Consolidation Workstation and the functions which can go to central internet site, and suggesting separate computers to execute specialized operations.

As per Claim 7, Huff teaches “the data is rendered into a family tree format and printed on a printer connected to a personal computer” at Page 8, [0123] by showing genealogy procedures comprising paper system or relatively small accumulations of names in linked electronic form on a home PC.

As per Claim 10, Huff teaches “data is stored on a Compact Disk” at Page 5, [0089] by collecting small genealogical files on diskette to transfer to a consolidation workstation.

As per Claim 11, Huff teaches "wherein the data is input at a third party location, such as a funeral home" at Page 5, [0090] by showing data input may come from many different sources, including direct transfer from other computers.

As per Claim 12, Huff teaches "wherein the data is partitioned into sections" at Page 6, [0100] by using two or more sections to provide space for storing the main table information.

As per Claim 13, Huff teaches "wherein different levels of accessibility are provided for each section" at Page 100, [0100] by showing access of data through publishers, submissions and registrations.

As per Claim 14, Huff teaches "wherein the individuals are related not through family relationships but due to other experiences" at Page 6, [0100] by matching users and publishers for specific genealogy research tasks.

As per Claim 15, Huff teaches "wherein said experience is a secondary school or university class" at Page 9, [0130] by gathering statistics of incoming data concerning such things as surname distribution, time and place of data, and the like.

As per Claim 16, Huff teaches "wherein said experience is related to military service" at Page 9, [0130] by gathering statistics of incoming data concerning such things as surname distribution, time and place of data, and the like.

As per Claim 17, Huff teaches "wherein said data may comprise any one of the following: text, image, or sound" at Page 7, [0109] and Page 9, [0136] by including GUI for normal text and image, and adding audio and video data types for table storage.

As per Claim 18, Huff teaches "wherein other individuals may add or edit information contained in the database" at Page 8, [0122] by allowing user to specify data, including editorial support, and at Page 9, [0133] by providing numbers to people, who prepare the names as entry to the system, as the place to enter their data.

As per Claim 19, Huff teaches "the user has the option to approve or not approve said additions or edits" at Page 9, [0131] by matching data and merging with a small data files at the workstations before the data is moved to main database in bulk.

As per Claim 26, Huff teaches "electronic data base is accessed by personal computer at a location remote from said electronic data base" at Page 2, [0036] by showing home PC connecting to server through network.

As per Claims 27 and 32, Huff teaches compiling family tree comprising of the following:

"obtaining specified data about a first individual" at Page 6, [0097] by showing network of spheres interconnecting with rods representing individuals and their family relationship;

"obtaining said specified data about a second individual" at Page 6, [0097] by swing along the rods in any direction to find the relevant content;

"automatically comparing the said specified data for said first and second individuals so as to determine if there exists matching data for establishing a family connection" at Page 6, [0097] by swing along the rods in any direction to find the relevant content for revealing information in addition to name, birth date and place; and

“establishing a link when said family connection is found to exist between said first and second individual” at Page 6, [0097] by using spheres as rods for connection and establishing family relationship.

As per Claim 28, Huff teaches “specified data is obtained at or near the time of death of said first or second individual” at Page 6, [0097] and [0100] by establishing relationship between individuals and using longitude/latitude data to store geographical location of individual events and places, such as birth, marriage, death, etc.

As per Claim 29, Huff teaches “a notice which is sent to said individual with respect to advising of said family connection” at Page 6, [0094] by displaying an express view for identifying a person’s data and his/her links to all family members..

As per Claim 30, Huff teaches “the step of printing a family tree based on said established family connection” at Page 14, [0205] by allowing a family tree to be displayed and manipulated on a PC.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 4, 6, 8-9, 21-25 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huff (U.S. Pub. 2002/0032687), as applied to Claims 1-3, 5, 7, 10-20, 26-30 and 32-33 above, and further in view of Perkowski (U.S. Patent 6,625,581).

As per claim 4, Huff teaches "said algorithms are contained in software that is loaded onto a personal computer" at Fig. 1, elements 12-18 and 22-26, and Page 1, [0004].

Huff does not specifically teach "wherein said algorithms are contained in software that is loaded onto Kiosk".

However, Perkowski teaches client computer in the form of web-based multi-media kiosk at col. 35, lines 45-48.

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine Perkowski's teaching into Huff's by further including kiosk as an additional type of client systems because by doing so the client system can be installed at virtually location in Cyberspace for the convenience of consumers residing there within without disturbing their point of presence such that Huff's system would be reachable anywhere and anytime.

As per Claim 6, Perkowski further teaches "wherein said network is the Internet" At col. 36, lines 63-65 by using internet over kiosk.

As per Claim 8, Perkowski further teaches "wherein the printing is done on a Kiosk" at col. 35, line 65-67 by printing web pages at kiosk printer.

As per Claim 9, Perkowski further teaches "wherein the printing is done by a third party service provider" at col. 35, line 65-67 by using consumer commands to print.

As per Claim 21, Huff teaches web site storing genealogy data in machine readable format at Page 7, [0107].

Huff does not specifically teach "wherein the data comprising the family tree is contained in a web page hosted on a server connected to a network".

However, Perkowski teaches using web pages served by web server and client systems on the network at col. 54, lines 22-36.

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine Perkowski's teaching into Huff's by using web pages to depict family tree because doing by doing so the users of Huff's system would only need one single click to execute an applet to display the family tree.

As per Claim 22, Perkowski further teaches "wherein said network is the Internet" at col. 54, lines 22-36.

As per Claim 23, Perkowski further teaches "wherein said web page includes a template for setting forth the manner and structure of the web page/site" at col. 82, lines 53-61 by formatting into a file structure.

As per Claim 24, Perkowski further teaches "wherein said web page is hosted by a business establishment having a plurality of such web pages" at col. 54, lines 22-36.

As per Claim 25, Huff teaches "network is the internet" at Page 2, [0036] by showing users are connected through internet.

Huff does not teach "wherein said electronic data base is accessed by a Kiosk".

However, Perkowski teaches accessing central database through kiosk at col. 12, lines 6-12.

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine Perkowski's teaching into Huff's by including kiosk as a tool to access genealogy data because by doing so the client system can be installed at virtually location in Cyberspace for the convenience of consumers residing there within without disturbing their point of presence such that Huff's system would be reachable anywhere and anytime.

As per Claim 31, Huff teaches generating a family tree at Page 14, [0205].

Huff does not teach "printing an album with image and text of said family tree".

However, Perkowski teaches printing image and text web pages at col. 35, lines 65-67.

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine Perkowski's teaching into Huff's by using web pages to depict family tree because doing by doing so the users of Huff's system would only need one single click to execute an applet to display the family tree and further running a hard copy.

Conclusions

The prior art made of record

A. U.S. Pub. No.	2002/0032687
B. U.S. Patent	6625581

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

C. U.S. Pub. No.	2001/0051946
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D. U.S. Patent	5819263
E. U.S. Patent	6240421
F. U.S. Patent	6460028
G. U.S. Patent	5557786
H. U.S. Patent	6618727
I. U.S. Patent	5754850
J. U.S. Pub. No.	2002/0112230

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuen S Lu whose telephone number is 703-305-4894. The examiner can normally be reached on 8 AM to 5 PM, Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

KL

Patent Examiner

December 17, 2003


JOHN BREENE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100